

Entered - 05/21/03 - sb  
CL - 03L0388 LISA CARTER

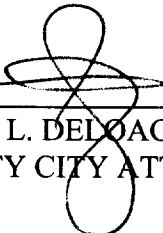
03-*R* -1427

**CLAIM OF: LOFTS AT THE PARK II**

**CONDOMINIUMS, through its attorney  
David J. Marmins, Esq.  
Eight Piedmont Center, Suite 300  
3525 Piedmont Road, NE  
Atlanta, Georgia 30305**

For damages alleged to have been sustained as a result of a storm  
water overflow on May 16, 2003 and May 18, 2003 at 1058  
Piedmont Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

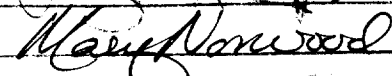
**ADVERSE REPORT**

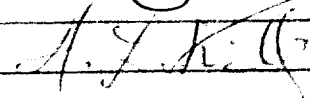
PUBLIC SAFETY &

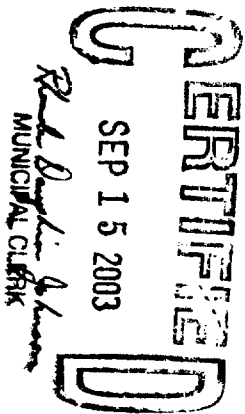
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/9/03

CHAIR: 









## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 30, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

David J. Marmins  
Attorney at Law  
Eight Piedmont Center, Suite 300  
3525 Piedmont Rd., NE  
Atlanta, GA 30305

03-R-1427

RE: Lofts At The Paark II Condominiums

Dear Attorney Marmins:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 15, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0388

Date: August 27, 2003

Claimant /Victim LOFTS AT THE PARK II CONDOMINIUMS

BY: (Atty) (Ins. Co.) David J. Marmins

Address: Eight Piedmont Center, Suite 300 3525 Piedmont Road, NE Atlanta, Georgia 30305

Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$

Date of Notice: 05/20/03 Method: Written, proper X Improper     

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/16/03 & 05/18/03 Place: 1058 Piedmont Avenue, NE

Department Watershed Management Bureau:      Division: Sewer Operations

Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges that damages were sustained as a result of a storm water overflow at 1058 Piedmont Avenue, NE. However, claimant has elected to file a lawsuit to resolve the issues raised in its claim.

INVESTIGATION:

Statements: City employee      Claimant      Others      Written      Oral     

Pictures X Diagrams      Reports: Police      Dept Report      Other X

Traffic citations issued: City Driver      Claimant Driver     

Citation disposition: City Driver      Claimant Driver     

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial     

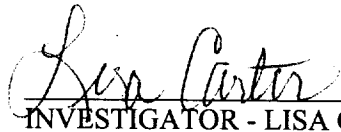
Improper Notice      More than Six Months      Other X Damages reasonable     

City not involved      Offer rejected      Compromise settlement     

Repair/replacement by Ins. Co.      Repair/replacement by City Forces     

Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01     

Claims Manager:  Concur/date 08/27/03

Committee Action:      Council Action

RCS# 5027  
9/15/03  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449  
03-R-1460, 03-R-1463  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 2

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

9-15-03 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1347 2. 03-O-1451 3. 03-O-1311 4. 03-O-1443 5. 03-O-1319 6. 03-O-1317 7. 03-O-1441 8. 03-O-1447 9. 03-O-1109 10. 03-O-1329 11. 03-O-1330 12. 03-R-1371 13. 03-R-1372 14. 03-R-1373 15. 03-R-1374 16. 03-R-1437 17. 03-R-1458 18. 03-R-1459 19. 03-R-1383 20. 03-R-1446 21. 03-R-1456 22. 03-R-1316 23. 03-R-1337 24. 03-R-1381 25. 03-R-1382 26. 03-R-1449 27. 03-R-1390 28. 03-R-1392 29. 03-R-1393 30. 03-R-1394 31. 03-R-1395 32. 03-R-1396 33. 03-R-1397 34. 03-R-1398	35. 03-R-1399 36. 03-R-1400 37. 03-R-1401 38. 03-R-1402 39. 03-R-1403 40. 03-R-1404 41. 03-R-1405 42. 03-R-1406 43. 03-R-1407 44. 03-R-1408 45. 03-R-1409 46. 03-R-1410 47. 03-R-1411 48. 03-R-1412 49. 03-R-1413 50. 03-R-1414 51. 03-R-1415 52. 03-R-1416 53. 03-R-1417 54. 03-R-1418 55. 03-R-1419 56. 03-R-1420 57. 03-R-1421 58. 03-R-1422 59. 03-R-1423 60. 03-R-1424 61. 03-R-1425 62. 03-R-1426 63. 03-R-1427 64. 03-R-1428 65. 03-R-1429 66. 03-R-1430 67. 03-R-1431 68. 03-R-1432

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027); 9Yeas; 0Nays: (See RCS #5008)

Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;